

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**
CHARLESTON DIVISION

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL No. 2327

THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER # 36
(Transfer to District of Columbia of Plaintiffs' Motion to Compel
AdvaMed's Response to Subpoena)

In this multi-district litigation ("MDL") concerning mesh products used to repair pelvic organ prolapse and stress urinary incontinence, the plaintiffs have moved the court to compel third party AdvaMed to provide testimony and to produce documents relating to pelvic repair systems products (ECF No. 372). The United States District Court for the District of Columbia issued the subpoena (ECF No. 372-10), and the plaintiffs served the subpoena on AdvaMed, which is located in the District of Columbia. The subpoena was returnable in Washington, D.C. AdvaMed filed Objections and Responses to the Subpoena in the District of Columbia (ECF No. 372-12).

Fed. R. Civ. P. 45(c)(2)(B)(i) provides that a motion to compel compliance with a subpoena should be filed in the issuing court. In response to Pretrial Order # 32 (ECF No. 384), AdvaMed does not stipulate and agree to having the dispute decided in this court, and requests adjudication in the U.S. District Court for the District of Columbia. It is hereby **ORDERED** that the Clerk shall promptly transfer the Motion to Compel for further proceedings in that court.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:13-cv-01261. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: January 24, 2013


Mary E. Stanley
United States Magistrate Judge